IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 3996 of 2006

LP 6/04 IN SC.812/2001 of PRINCIPAL ASSISTANT SESSIONS COURT,KOLLAM
(CRIME NO.687/2001 OF KOLLAM EAST POLICE STATION)

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PETITIONERS/ACCUSED:

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1. ABDUL SALAM, AGED 25 YEARS
S/O. PAREETH, ETTAYAKODAM, POST KALLADIPATTA,
(VIA) PATTAMBHI, PALAGHAT DISTRICT.

2. KUNJU MOHAMMED, AGED 35 YEARS,
S/O. MOHAMMED KUTTY, VARAMANGALATHU
POST KALLADIPATTA (VIA) PATTAMBHI,
PALAGHAT DISTRICT.

BY ADV. SRI.S.GIRISH

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3996/2006

DATED THIS THE 5TH DAY OF JULY, 2006

O R D E R

The petitioners are the accused 1 and 3 in S.C.No.812/2001, on the file of the Principal Assistant Sessions Court, Kollam. They had absconded from the Court. Hence the case against them is put under L.P.No.6/2004. A non bailable warrant was issued against them. Therefore, they are before this Court, under Section 438 Cr.P.C.

2. The Sessions case is of the year 2001. The case was put in the L.P. Register only in the year 2004. So far, the petitioners had not appeared before the Court below. There was no satisfactory explanation from the accused, why they did not appear. It show that both of them had taken the orders of the Court very lightly, as if the non appearance would not affect them at all.

3. In such situation, I am of the opinion that the petitioners had to appear before the Court below and face

the orders from that Court, which should be passed, according to the law. If any application is filed, after serving copy of the same to the prosecution, well in advance, the same shall be considered, on the same day of the appearance of the petitioners.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs